

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

RUDOLPH M. BROOKS, JR.,

Petitioner,

v.

No.: 3:11-cv-530  
(VARLAN/SHIRLEY)

BLOUNT COUNTY, TENNESSEE,

Respondent.

**MEMORANDUM**

This action, titled a "Habeas Corpus Motion to Appeal" was filed in the United States District Court for the Southern District of Ohio and transferred to this Court. Although petitioner purports to file a habeas corpus petition, in the body of the petition he complains of the conditions of his confinement in the Blount County Jail, including lack of access to the courts and a denial of medical treatment. These are the same allegations raised by petitioner in a case filed in this Court, which was dismissed as frivolous and for failure to state a claim for relief. *Rudolph M. Brooks v. Blount County, Tennessee*, Civil Action No. 3:11-cv-363 (E.D. Tenn. November 15, 2011) (Memorandum and Order dismissing case).

For the reasons stated in the Court's prior Memorandum and Order, this action will be **DISMISSED** as well. The Court will **CERTIFY** that any appeal from this action would

not be taken in good faith and would be totally frivolous. *See* Rule 24 of the Federal Rules of Appellate Procedure.

**AN APPROPRIATE ORDER WILL ENTER.**

s/ Thomas A. Varlan

UNITED STATES DISTRICT JUDGE